

REMARKS

This amendment is in response to the office action of January 3, 2007 in which claims 1-3, 5-10, 14, 15, 17, 19-33, 36 and 37 were rejected and claims 4 and 18 were objected to.

Claim 1 was objected to because of the following informalities: The comma (,) at "...memory activities,: and" in line 7 should be omitted. All dependent claims were objected to as having the same deficiencies as the claims they depend from.

Claim 1 is amended to remove the objection.

Claims 1-3, 5-15, 19-35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Change et al. (US Pub 2004/0177212 in view of Ban (US Patent 6,732,221). It is noted by the Applicant that the claim numbers in the 103(a) rejection do not correspond to the claim numbers after amending the claims by Amendment submitted to the USPTO on October 23, 2006.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Change et al. (US Pub 2004/0177212) and Ban (US Patent 6,732,221) and further in view of Khalid et al (US Pub 2003/0012661).

The Examiner practically repeated the same arguments as in the Office Action of August 10, 2006. The Applicant disagrees with the Examiner's rejections and refers to arguments made by Applicant in Communications submitted to the US Patent Office on October 23, 2006 and on May 30, 2006.

In addition, the Applicant would like to challenge and clarify the arguments made by the Examiner in "Response to Arguments" section on page 10 of the current Office Action dated January 3, 2007.

The Examiner made a statement that "Change et al. disclose the triggering signal rather than Ban as being argued by the Applicant". This is not accurate. First of all, no such statement was made by Applicant explicitly in the Office Action dated January 3, 2007. Secondly, this Statement (quoted above) is incorrect, because both inventions talk and imply some kind of a triggering signal for performing an operation with the memory system (there is no other way).

In particular, Change et al. disclosed so called "initialization request" 304 (see Figure 3 of Change et al.). As stated on page 6, paragraph 0063 of Change et al., this "initialization request may be made, for example, when a system, e.g., a system which included embedded flash memory, is powered up, when spare blocks within a system are running low, when a user makes a request to balance block allocation and when a user makes a request for block usage to occur more evenly." Thus this "request" or "triggering signal" (using the language of claims 1, 20 and 32 of the present invention) of Change et al. is specifically designed for maintaining the average erase count in a non-volatile storage system (see ABSTRACT of Change et al.) and not for performing a specific, e.g., write operation.

On the other hand, Ban discloses so called "manage flash" version of the or "triggering signal" (using the language of claims 1, 20 and 32 of the present invention): see blocks 20, 40 and 60 in figures 2-4 of Ban. This manage flash is for specifically triggering the write or erase operation as seen from Figures 2-4 of Ban which is different from the "initialization request" of Change et al.

Thus, combining Chang et al. and Ban will teach away from the teaching of the present invention (see independent claims 1, 20 and 32) on two levels.

First, so called "triggering signals" of Chang et al. and Ban are different, as shown above. Therefore, when these two references are attempted to be combined, they will teach away from their own combination. MPEP Paragraph 2145 X.D.2 provides specifically for this incompatibility: "It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)." In other words, a rejection under 35 U.S.C. 103(a) based upon Change et al. and Ban is defective here, i.e., not *prima facie* obvious because Cahang et al. teaches away from Ban in regard to what is "triggering signal" is.

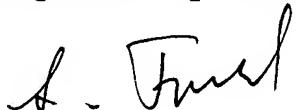
Secondly, as was elaborated in the Amendment submitted to the USPTO on October 23, 2006, even if we ignore the incompatibility of references between themselves as described herein, combining their teaching will teach away in respect to the teaching of claim 1 (and other independent claims 20 and 32) of the present invention, because Bin teaches "a random process that has a one in 1000 probability of success each time a write operation is performed to determine when to launch wear leveling method **12**." (see col. 5, lines 30-33 of Ban), whereas in the present invention the wear memory leveling is launched every time at least one triggering signal is detected and it is not a random process. In other words, both Change et al. and Ban disclose so called "triggering signal" as elaborated above, but incorporating the "response" of Ban to such "triggering signal" into Change et al. will produce a different result (memory leveling with 1/1000 probability) than recited in claim 1 (as well as in claims 20 and 32) of the present invention.

Regarding other dependentent claims 2-3, 5-10, 14-15, 17, 19, 21-31, 33 and 36-37, the Applicant response follows

the arguments presented in the Remarks section of the
Amendment submitted to the USPTO on May 30, 2006.

The objections and rejections of the Office Action of
January 3, 2007 having been obviated by amendment or shown
to be inapplicable, withdrawal thereof is requested and
passage of all claims to issue is solicited. Consideration
and allowance are respectively requested.

Respectfully submitted,



Anatoly Frenkel
Agent for the Applicant
Registration No. 54,106

AZF/mef
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WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234